

Message Text

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IO FOR WALTER DIAMANTI

PASS COMMERCE FOR PUSEY, USTS/CE

E.O. 11652:N/A

TAGS: AORG, BIE, FR

SUBJECT: BIE DRAFT PERSONNEL REGULATIONS

REF: (A) STATE 215937; (B) PARIS A-254

1. COMMENTS OUTLINED REF (A) ON BIE DRAFT PERSONNEL REGULATIONS WERE TRANSMITTED TO BIE AS REQUESTED. EMBOFFS ALSO SOUGHT ADVICE EMBASSY'S PERSONNEL OFFICE ON LOCAL PREVAILING PRACTICE AND REGULATIONS OTHER INTERNATIONAL ORGANIZATIONS. IN RESPONSE, BIE PREPARED POINT BY POINT REPLY, INCLUDING DISCUSSION ARTICLES 47-48, WHICH IS BEING FORWARDED TO STATE AND COMMERCE.

2. EMBOFFS MET SEPT. 22 WITH SECRETARY GENERAL CHALON TO DISCUSS SPECIFIC POINTS RAISED REFTEL AND BIE'S REPLY. AS RESULT OF THESE NEGOTIATIONS, SECRETARIAT CONCEDED THAT FOLLOWING ARTICLES COULD BE CHANGED IF BUDGET COMMITTEE AGREES:

ARTICLE 1- WORKING HOURS CAN BE SPECIFICALLY STATED IF DESIRED. HOURS WERE NOT SPECIFIED TO GIVE BUREAU FLEXIBILITY DURING BUSY PERIODS WHEN

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OVERTIME REQUIRED AND SLOW PERIODS WHEN

HOURS CAN BE DECREASED.

ARTICLE 2 (3) - BIE WILLING TO STRIKE PROVISION FOR 8 DAYS YEARLY SPECIAL FAMILY LEAVE. THIS WAS ADDED AS MANAGEMENT TOOL TO ENABLE SECRETARY GENERAL TO PREVENT ANY ABUSES WHICH CAN ARISE IN SMALL ORGANIZATION. ACCORDING TO EMBASSY PERSONNEL OFFICE, PROVISION OF SPECIAL FAMILY LEAVE IS LOCAL PREVAILING PRACTICE IN FRANCE.

ARTICLE 6 - REQUIREMENT FOR PRE-EMPLOYMENT MEDICAL CLEARANCE SHOULD BE INCLUDED.

ARTICLE 7 - BIE IS IN AGREEMENT TO ELIMINATE PROVISION FOR USE OF BIE FUNDS TO PROVIDE FINANCIAL ASSISTANCE TO STAFF. THIS PROVISION WAS TAKEN FROM SIMILAR STATUTES OF OTHER INTERNATIONAL ORGANIZATIONS.

ARTICLE 11- (B) - BIE WISHES TO RETAIN 18 MONTHS COMPENSATION FOR EMPLOYEE DISMISSED FOR REASONS SPECIFIED IN ARTICLE 11 (A), BUT WOULD REDUCE THIS TO 12 MONTHS IF THIS IS CONSENSUS OF MEMBER STATE OPINION. MAXIMUMR PERMITTED BY OECD IS 24 MONTHS.

GENERAL COMMENTS: A STATEMENT CAN BE ADDED AT END OF REGULATIONS TO EFFECT THAT OFFICIAL LOCAL HOLIDAYS, MILITARY SERVICE, MATERNITY LEAVE , TAX POLICIES, ETC., WILL BE GOVERNED BY FRENCH LAW. IN PRACTICE, FRENCH LAW OR USAGE IS FOLLOWED ON ALL POINTS NOT SPECIFICALLY ADDRESSED IN THIS STUDY. NO PROVISION PROVIDED FOR HOME LEAVE SINCE PERSONNEL HIRED LOCALLY. OATH OF OFFICE IS NOT CUSTOMARY IN FRANCE. RE-OVERTIME PAY, SECRETARY GENERAL PREFERS FLEXIBILITY IN WORKING HOURS RATHER THAN PAYMENT FOR OVERTIME.

3. SECRETARY GENERAL RESISTED CHANGES IN FOLLOWING ARTICLES FOR REASONS LISTED BELOW. ADDITIONAL DETAILS ARE AVAILABLE IN BIE REPLY TO REFTEL.

ARTICLE 2 - ACCORDING TO BIE, PROVISION OF 2 1/2 WORK DAYS OF ANNUAL LEAVE PER MONTH WAS ADOPTED IN ACCORDANCE WITH PRACTICE OF OTHER. INTERNATIONAL ORGANIZATIONS HEADQUARTERED UNCLASSIFIED

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IN PARIS SUCH AS UNESCO, OECD, AND VARIOUS SMALLER ORGANIZATIONS. IN ADDITION, LEGAL MINIMUM IN FRANCE IS 24 WORK DAYS. ARTICLE 3 - FRENCH SOCIAL SECURITY BENEFITS DO INCLUDE PENSION BENEFITS. HOWEVER, FRENCH LAW ALSO REQUIRES PARTICIPATION IN A SUPPLEMENTARY PLAN SINCE BASIC PENSIONS (AVEIHGPZ DJLMMT IOQOLS 3) ;

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D UPBZHD INADQUATE.

ARTICLE 4 - PROVISION OF 1 1/2 YEARS OF SALARY FOR ABSENCE DUE TO ILLNESS OR INJURY IS BASED ON PRACTICE IN OTHER INTERNATIONAL ORGANIZATIONS. EXAMPLES OF PROVISIONS OTHER ORGANIZATIONS AVAILABLE IN BIE'S REPLY TO POINTS RAISED REFTEL.

ARTICLE 5 - WHILE BIE WILLING TO AGREE TO SUGGESTED CHANGE, EMBASSY PERSONNEL OFFICE HAS POINTED OUT THAT PREVAILING PRACTICE IN FRANCE DOES NOT INCLUDE DEATH BENEFITS PROVISION AS PART OF PENSION PLAN. ALSO DEATH BENEFITS PROVISIONS OF UNESCO ARE NOT PART OF PENSION PLAN.

ARTICLE 10 - ACCORDING TO BIE, REQUIREMENT OF THREE MONTHS NOTICE FOR A DEPARTING EMPLOYEE IS CALLED FOR IN REGULATIONS OF OTHER INTERNATIONAL ORGANIZATIONS. THIS MARGIN PARTICULARLY IMPORTANT IN SMALL OFFICE LIKE BIE WHERE ONE DEPARTURE REDUCES STAFF BY 25 PERCENT.

4. COMMENT: BIE IS VERY SMALL INTERNATIONAL ORGANIZATION CONSISTING OF THREE PEOPLE IN ADDITION TO SECRETARY GENERAL. THUS ORGANIZATION TENDS TO BE MORE FLUID RATHER THAN BASED ON STRICT REGULATIONS REQUIRED IN LARGER ORGANIZATIONS. BLODGETT AND PLAISTED WILL ATTEND SEPT. 29 ADMINISTRATION AND BUDGET COMMITTEE MEETING WITH OBSERVER STATUS TO RAISE POINTS LISTED PARAGRAPH 2. HOWEVER, UNLESS INSTRUCTED OTHERWISE, WE DO NOT BELIEVE WE CAN COMBAT ARTICLES WHICH ARE IN ACCORD WITH LOCAL PREVAILING PRACTICE AND REGULATIONS OF OTHER INTERNATIONAL ORGANIZATIONS HEADQUARTERED IN PARIS.
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INDEED EMBASSY'S OWN LOCAL PAY SCALE CAPITALIZES MONETARY VALUE OF THESE FRENCH FRINGE BENEFITS. WE WILL, OF COURSE, GO ON RECORD IN BUDGET COMMITTEE (AS OTHER MEMBERS HAVE DONE) AGAINST COSTLY PERSONNEL PRACTICES. IT SHOULD BE RECOGNIZED THAT US LEVERAGE IN BIE IS LESS THAN IN UN ORGANIZATIONS BECAUSE OUR SHARE OF TOTAL BUDGET IS ONLY ABOUT 10 PERCENT.
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